

ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND & WATER

PUBLIC NOTICE  
TOM'S AWAY SUBDIVISION  
PROPOSED STATE LAND SALE – AS 38.05.035(e)  
ALASKA COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW – AS 46.40

The Alaska Department of Natural Resources, Division of Mining, Land, and Water (DNR/DMLW) proposes to survey and offer for sale State land totaling approximately 30 acres. The proposed Tom's Away Subdivision will consist of approximately 24 one-acre surveyed parcels and one approximately 1.6-acres tract that will be retained in State ownership. The parcels will be offered for sale at public sealed bid auction. The survey may also include three 10-acres tracts currently under long-term leases. The leased parcels will not be included in the sealed bid auction. Minimum purchase price is established at the appraised fair market value for each parcel.

The subdivision project is located approximately six miles west of the town of Wasilla and 1.5 miles south the intersection of the Parks Hwy. and Pittman Rd., and situated north of Lucile Creek. The project is described as the SE1/4 SW1/4 and S1/2 NE1/4 SW1/4, Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 60 acres more or less.

An Open House will be held on October 13, 2004 at 6:00 p.m. until 9:00 p.m. at the Cottonwood Safety Building, 680 N. Seward-Meridian Parkway, Wasilla. The public is invited to come to submit comments and get additional information regarding this and other proposed State land sales.

The proposed project is also out for review for consistency with the ACMP and the Matanuska-Susitna Borough Coastal District. Comments are requested for the proposed project's consistency with the coastal district program. A copy of this review packet is available online at [www.dnr.state.ak.us/mlw/landsale](http://www.dnr.state.ak.us/mlw/landsale). For public inspection and copying of the review packet, for more information, or to submit comments regarding ACMP consistency, please contact Chris Grundman at (907) 269-8544, fax (907) 269-8916, or email to [chris\\_grundman@dnr.state.ak.us](mailto:chris_grundman@dnr.state.ak.us). Comments must be received by **5:00 p.m. on October 25, 2004**.

The public is invited to comment on the proposed actions. Copies of the Preliminary Finding and Decision are available at the DNR/DMLW, Land Sales and Contract Administration Unit, 550 W. 7<sup>th</sup> Ave., Suite 640, Anchorage, AK 99501. Copies are also available at the department's Public Information Offices in Juneau, Anchorage, and Fairbanks or at [www.dnr.state.ak.us/mlw/landsale/](http://www.dnr.state.ak.us/mlw/landsale/). Comments must be received in writing at the above address on or before **5:00 p.m. on Monday, October 25, 2004** to ensure consideration. The Preliminary Finding and Decision explains the schedule for the final decision as well as the appeal process. Only persons who provide written comments during the comment period will be eligible to file an administrative appeal of the final finding and decision.

For additional information regarding project development and timeline contact Chris Grundman at (907) 269-8544, fax (907) 269-8916, or email to [chris\\_grundman@dnr.state.ak.us](mailto:chris_grundman@dnr.state.ak.us).

If public comments in response to this notice indicate the need for significant changes in the above decision, additional public notice for the proposed area will be given on about the beginning of November, 2004. DNR reserves the right to modify the number of proposed parcels from this offering at any time. Deleting parcels from the final offering will not be considered a significant change to this decision. If no significant change is required, the Proposed Finding and Decision, including any deletions, minor changes and a summary of public comments, will be issued as the Final Finding and Decision of the Department of Natural Resources without further notice. A copy of the final decision will be sent to any person who comments on the proposed decision and will be available at the above address. The final decision will set out the applicable process for appealing the decision under AS 38.05.035(i)-(m). To be eligible to appeal, a person must comment during the public comment period.

Individuals with disabilities who may need auxiliary aids, services or special modifications should contact the Public Information Center in Anchorage, between 10:00 a.m. and 5:00 p.m. Monday through Friday, at (907) 269-8400, or email: [pic@dnr.state.ak.us](mailto:pic@dnr.state.ak.us) or TDD (907) 269-8411, or the Public Information Office in Fairbanks, between 10:00 a.m. and 5:00 p.m. Monday through Friday, at (907) 451-2705, email: [fbx\\_pic@dnr.state.ak.us](mailto:fbx_pic@dnr.state.ak.us).

DNR reserves the right to waive technical defects in this publication.

Holly Hill, Manager II, Contract Administration and Land Sales Unit  
A.O.# \_\_\_\_\_



# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER

FRANK H. MURKOWSKI, GOVERNOR

550 WEST 7<sup>TH</sup> AVENUE, SUITE 640  
ANCHORAGE, ALASKA 99501-3576

PHONE: (907) 269-8594  
FAX: (907) 269-8916

## Preliminary Finding and Decision

### **Proposed State Land Sale Tom's Away Subdivision - AS 38.05.035(e)**

### **Alaska Coastal Management Program Consistency Review - AS 46.40**

#### **Proposed Action**

The Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) proposes to survey and offer for sale parcels of state land for private ownership. The proposed Tom's Away Subdivision project consists of 60 gross acres; see Attachment A. The parcels may range in size from approximately one to ten acres and will be offered for sale through a public sealed bid auction. The purpose of the sale is to provide land for settlement within the Wasilla area. The sale of these parcels will meet the State's goals of making quality, accessible State land available for private ownership and will also generate revenue.

The Division is coordinating the Single Agency Review for consistency with the Alaska Coastal Management Program (ACMP).

#### **Authority**

Alaska Statutes: **38.04.005** – Public and Private Land Use Policy; **38.04.010** – Making Land Available for Private Use; **38.04.020** – Land Disposal Bank; **38.04.035** – Criteria for Program Selection; **38.04.045** – Survey and Subdivision; **38.04.050** – Access to Private Use Areas; **38.04.055** – Access Through Private Use Areas; **38.05.005** – Division of Lands; **38.05.035** – Powers and Duties of the Director; **38.05.045** – General Provisions for the sale of Land; **38.05.050** – Disposal of Land for Private Ownership; **38.05.055** – Procedures for Sale by Auction; **38.05.125** – Reservation of Rights; **38.05.127** – Access to Navigable or Public Water; **38.05.185** – General Policy on Mineral Location; **38.05.840** – Appraisal Policy; **38.05.910** – Policy of the State to Encourage Settlement; **38.05.940** – Land Purchase Price Discount for Veterans; and **38.05.945** – Requirements for Notice.

#### **Administrative Record**

The administrative record for the proposed action consists of the Tom's Away Subdivision project file and case files, ADL's 68678, 64950, 200421, and 204150. Also incorporated by reference is the Willow Sub-basin Area Plan, adopted October 1982.

## **Scope of the Decision**

The Division proposes to survey and offer for sale a total of 30 acres of State land, referred to as the Tom's Away Subdivision, through a public, sealed bid auction. In addition, the proposed Tom's Away Subdivision may also include the survey of three 10-acre leased parcels referred to as ADL's 64950, 200421, and 204150. The three leased parcels will not be included in the sealed bid auction. The proposed action is in keeping with the general recommendations from the Willow Sub-basin Area Plan. The minimum bid for each parcel will be set at the appraised fair market value. Bidders will be required to provide a deposit of no less than 5% of their bid amount. The state will refund the 5% deposit to unsuccessful bidders. The Division does not intend to impose deed restrictions to control post-patent use. Restrictions regarding land use will be handled by the local zoning authority, if any.

The scope of this project under ACMP is to review the parcels for consistency within the Matanuska-Susitna Borough Coastal Management District.

## **Discussion**

**Geographic Location:** The Tom's Away Subdivision project is located approximately six miles west of the town of Wasilla and 1.5 miles south of the intersection of the Parks Highway and Pittman Road, and situated just north of Lucile Creek.

**Municipality:** Matanuska-Susitna Borough

**Alaska Coastal District:** Matanuska-Susitna Borough Coastal Management District

**Regional/Village Corporations/Councils:** Cook Inlet Region, Inc

**USGS Map Coverage:** USGS Quad Anchorage C-7

**Legal Description:** Proposed Sale Area – S1/2 SE1/4 SW1/4 and S1/2 N1/2 SE1/4 SW1/4 Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 30 acres more or less.

**ADL 64950 –** S1/2 S1/2 NE1/4 SW1/4, Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 10 acres more or less.

**ADL 200421 –** N1/2 N1/2 SE1/4 SW1/4, Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 10 acres more or less.

**ADL 204150 -** N1/2 S1/2 NE1/4 SW1/4, Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 10 acres more or less.



## **Title**

Final Acquisition Authority: OSL Number 789 - University Land Transfer Appendix F. Pursuant to the Sections 2 and 3, Chapter 22, SLA 1983, the State of Alaska conveyed by Statutory Quitclaim Deed No. 586, dated October 21, 1983, to the Board of Regents of the University of Alaska, as trustee for the University of Alaska subject to the restrictions contained in Federal Patent No. 1217600 State Case file Univ-34.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts and there is reserved from the Lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Sec. 305).

Excluding all land underlying navigable waters and any interest in land transferred to the grantor by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141).

Subsequently the Board of Regents of the University of Alaska, as trustee for the University of Alaska conveyed the subject land back to the State of Alaska by Statutory Quitclaim Deed dated 12/2/83, excluding all land underlying navigable waters and any interest in land transferred to the grantor by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141).

Other Conflicts and Pending Interest: This project and the surrounding area is classified prospectively valuable for Oil and Gas. The State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). The State reserves the right to enter onto the land to explore for and develop these mineral resources. The State may lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

## **Background**

The Tom's Away Subdivision project area was originally part of a parcel offered for sale in 1972 through a State land offering, Auction # 197. The parcel (ADL 64950) was described as the E1/2 SW1/4, Section 15, Township 17 North, Range 2 West, Seward Meridian, containing 80 acres more or less. A DL 64950 was subsequently purchased through a long term 55-year lease in an Over-the-Counter auction in 1974 by Alaska Marketing &



Management, Inc. In 1975, the lease was partially assigned to John Miszczuik, ADL 68678. In 1978, the lease for ADL 68978 was partially assigned creating the area now described as the Tom's Away Subdivision project. The lease for ADL 68978 was relinquished in 1988 and remained in State ownership.

In response to meet the State's goal of offering quality, accessible State land to the public through public sealed bid auctions, the Department targeted the project area in the fall of 2003 to be included in a future State land offering. The proposed Tom's Away Subdivision is targeted for sale in a future auction pending a soil investigation, public and agency comments, and completion of a survey and appraisal.

### **Planning and Classification**

**DNR Land Use Plan:** The project area is located within the Willow Sub-basin Area Plan, Wasilla Management Unit.

**Land Classification:** The project area has been classified Utility by Classification Order 671. Pursuant to 11 AAC 55.77, Existing Classifications, beginning September 7, 1983, land previously classified under Utility will be considered to be classified as Settlement.

**Alaska Coastal Management Program (ACMP):** The project area is located within the Matanuska-Susitna Borough Coastal District. The Division is conducting a Single Agency Review concurrently with the Preliminary Finding and Decision to determine its consistency with ACMP.

**Mineral Closing Order:** The project area has been closed to mineral entry by Mineral Closing Order 239.

**Municipal Zoning and Comprehensive Plan:** No municipal zoning or comprehensive plan exists for this project area.

**Easements and Setbacks:** Surveyed parcels will be subject to a 50-foot public access easement along surveyed section lines. The project area is subject to ADL 226832 (Toms Way), a 50-foot public access easement located along the western boundary. Additional easements and setbacks may be added as required by the Matanuska-Susitna Borough.

**Traditional Use Finding:** A traditional use finding is not applicable because the project area is within an organized borough.

### **Access to the Parcel**

Access to the proposed subdivision project is from mile 47.75 of the Parks Hwy, south onto Vine Road. From Vine Road, turn west on Country Wood Drive, then south along platted rights-of-way within the project area, see attachment A. Access along this route will be constructed to borough subdivision standards.



Alternate access to the subdivision project is from 48.75 of the Parks Hwy. south onto Sylvan Road, then east onto Dun Fussin Road, and finally south onto Toms Way to the project area. Access along this route is not constructed to borough subdivision standards.

### **Public and Navigable Water Body Determination**

Waters Determined Public or Navigable: There are no public or navigable water bodies located within the project boundary.

Access To and Along Public or Navigable Water: Lucile Creek is located just south of the project boundary. Access to and along Lucile Creek is provided via the 50-foot public access easement, Toms Way, and section line easements. Tract D will be retained by the state to provide a buffer along Lucile Creek and the surrounding wet lands and to provide continuous access along Lucile Creek.

### **Survey and Appraisal**

Survey: The Division proposes to survey the subdivision project area into approximately 24 one-acre surveyed parcels and one approximately 1.6-acre tract that will be retained in State ownership. The State may include in the survey three ten-acre leased parcels, ADL's 64950, 200421, and 204150. A 60-foot public access easement will be surveyed along the east boundaries of the leased parcels. The survey project is located within the Matanuska-Susitna Borough and is subject to the borough platting authority. The final survey design will be dependant upon a soil investigation, public and agency comments, and State and Borough platting requirements. The cost for surveying will be paid for from funds allotted for new settlement area development. Upon approval of the sale of the leased parcels to the lessees, the lessees will reimburse the state for the cost of surveying as per the requirements under AS 38.05102.

Appraisal: Parcels will have a current, fair market value appraisal completed prior to sale. Parcels will be offered through a competitive, sealed bid auction where the minimum bid price is the appraised fair market value. Cost for appraisal will be paid for from funds allotted for new settlement area development. The three leased parcels, ADL's 64950, 200421, and 204150, will not be included in the sealed bid auction. Upon approval of the sale of the leased parcels to the lessees, the lessees will reimburse the state for the cost of the appraisal as per the requirements under AS 38.05102.

### **Agency Comments**

Agency review and public notice are being done concurrently. All comments received during the public comment period will be considered and addressed in the final finding and decision.

A single agency review is also being done concurrently for the ACMP Consistency Determination. Only comments received directly addressing the ACMP Consistency Determination will be considered and addressed in the ACMP Proposed Determination.



## **Environmental Risk Assessment**

There are no major environmental risks associated with the proposal to survey and offer for sale parcels within the Tom's Away Subdivision project area. Other impacts as a direct result of the proposed offerings would be as follows:

The anticipated changes as a result of offering areas under this program are an increase in private land ownership in the Wasilla area. There will be a potential increase in related private and recreational activities over time, including access and housing construction. The division will work with the Mat-Su Borough to identify and consolidate access use to minimize the impacts.

## **Alternatives**

The following alternatives were considered:

Alternative 1: Do not offer the project area for sale. Retaining the land in State ownership will not help towards meeting the State's goal of offering quality, accessible land to the public for private ownership.

Alternative 2: Sell project area as one 30-acre parcel. This would not be cost effective to survey the project area to create only one large parcel due to the cost of road construction. Offering the project area as only one parcel does help the Department meet the Legislative goal of offering 200 statewide parcels in fiscal year 2006 and 300 parcels per year statewide beginning in the fiscal year 2007.

Alternative 3: The Division may consider offering the project area as proposed, consisting of approximately 24 one-acre surveyed parcels and one approximately 1.6-acres tract that will be retained in State ownership. The project area is located within a developing, residential area and is near private lands that have been developed into private subdivisions. The project area has good access and is suitable for subdivision development. It is more cost effective to survey and sell the project area into several parcels rather than just one lot.

The Alaska Legislature as well as private citizens indicated a desire for DNR to offer for sale, accessible, quality State land for private ownership. By making these parcels available, DNR will provide an opportunity for Alaskans to purchase quality, accessible State land. Offering the project area as proposed will help the department meet the Legislative goal of offering 300 parcels per year beginning the fiscal year 2007. The request to offer the proposed Tom's Away Subdivision as presented, is the preferred alternative.

## Recommendation

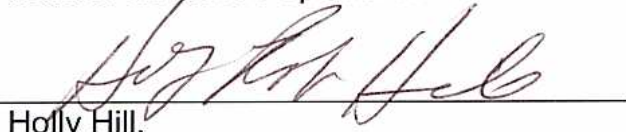
I find that the proposed action is consistent with the overall management intent for state land and the action may be in the State's best interest, as it satisfies a demand for accessible, quality land for private ownership. The proposed action is consistent with the Willow Sub-basin Plan and will generate revenue for the State. This decision is hereby approved to proceed to public notice in accordance with AS 38.05.945.



Chris Grundman,  
Natural Resource Specialist II

9/24/2004

Date



Holly Hill,  
Manager II - Contract Administration  
And Land Sales

9/24/2004

Date

## Public Notice

Pursuant to AS 38.05.945, public notice of this action will be conducted. The public is invited to comment on the proposed action. Copies of the preliminary decision are available at the Division of Mining, Land, and Water, Land Sales and Contract Administration Unit, 550 West 7<sup>th</sup> Avenue, Suite 640, Anchorage, AK 99501-3576. Copies are also available at the Department's Public Information Offices in Juneau, Fairbanks, and Anchorage or at <http://www.dnr.state.ak.us/mlw/landsale/index.htm>. Comments must be received in writing by the Division of Mining, Land, and Water, Land Sales and Contract Administration Unit, Attention: Chris Grundman, 550 West 7<sup>th</sup> Avenue, Suite 640, Anchorage, AK 99501-3576 on or before **5:00 p.m. Monday, October 25, 2004** in order to ensure consideration. Comments may also be sent via e-mail to [chris\\_grundman@dnr.state.ak.us](mailto:chris_grundman@dnr.state.ak.us) or by fax at (907) 269-8916.

All written responses will be considered. Only persons who comment during the comment period will be eligible to file an administrative appeal of the final finding and decision.

If public comment in response to this notice indicates the need for significant changes in the above decision, additional public notice for the affected decision will be given on or about the end of November, 2004. The State reserves the right to withdraw a parcel from consideration at any time. Withdrawing a parcel will not be considered a significant change requiring public notice. If no significant change is required, the Preliminary Finding and Decision, including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision of the Department of Natural Resources, without further notice. The final decision will set out the applicable process for appealing the decision under AS 38.05.035 (i)-(m). A copy of the final decision will also be available at the address above and will be sent to any person who comments on the preliminary decision. If you have any questions concerning this proposed action, please contact Chris Grundman at (907) 269-8544. Individuals with audio impairments may call the department's Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday, at TDD# (907) 269-8411.



